

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIREMAN'S FUND INSURANCE
COMPANY, ONE BEACON INSURANCE
COMPANY, NATIONAL LIABILITY AND
FIRE INSURANCE COMPANY and QBE
MARINE & ENERGY SYNDICATE 1036,

ECF Case

10 Civ. 1653 (LAK)

PLAINTIFFS'
NOTICE OF MOTION FOR
SUMMARY JUDGMENT
AGAINST DEFENDANT
GREAT AMERICAN
INSURANCE COMPANY
OF NEW YORK

Plaintiffs,

-against-

GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK, MAX
SPECIALTY INSURANCE COMPANY
and SIGNAL INTERNATIONAL, LLC

Defendants.

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S I R S :

PLEASE TAKE NOTICE that, on a date and time as may be scheduled by this Court, Plaintiffs Fireman's Fund Insurance Company, One Beacon Insurance Company, National Liability and Fire Insurance Company and QBE Marine & Energy Syndicate 1036 will move this Court before the Honorable Lewis A. Kaplan at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Federal Rules of Civil Procedure 56 granting summary judgment in favor of plaintiffs Fireman's Fund Insurance Company, One Beacon Insurance Company, National Liability and Fire Insurance Company and QBE Marine & Energy Syndicate 1036 and against defendant Great American Insurance Company of New York declaring that the policy of insurance issued by Great American Insurance Company of New York provides coverage for the removal of a drydock and for the removal of all oil based products and other hazardous materials contained on and/or within

the drydock, up to the policy's \$5,000,000.00 limit, and that any obligation on the part of plaintiffs under the Bumbershoot Policy is not triggered until Great American has exhausted its policy limits.

This motion is based on this Notice of Motion, the accompanying Statement of Uncontested Facts and the Affidavits and exhibits thereto, the accompanying Memorandum of Law and on all the pleadings and papers on file and all proceedings heretofore had in this action.

Dated: New York, New York
April 26, 2010

Yours etc.

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Attorneys for Plaintiffs

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